

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PAUL STOWELL,

Plaintiff,

v.

**TWIN VALLEY BEHAVIORAL
HEALTHCARE, et al.,**

Defendants.

Case No. 2:14-cv-2021

JUDGE GREGORY L. FROST

Magistrate Judge Norah McCann King

ORDER

This matter is before the Court for consideration of the Magistrate Judge's October 23, 2014 Order and Report and Recommendation. (ECF No. 3.) Following an initial screen of the action, the Magistrate Judge determined that the matter should be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Though the civil cover sheet attached to Plaintiff's complaint indicates Plaintiff's invocation of federal question jurisdiction for "assault by inmate," the complaint itself does not state a claim for relief pursuant to 42 U.S.C. § 1983. (ECF No. 2.) Moreover, the complaint does not include factual information to support the two-part showing required under § 1983. (*See* ECF No. 3 at 2-3.) Plaintiff further fails to state a claim against Twin Valley Behavioral Healthcare, a state agency. (*Id.* at 3-4.)

Accordingly, the Magistrate Judge recommended that the action be dismissed. The Order

and Report and Recommendation advised the parties that the failure to object within fourteen days would “result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the judgment of the District Court.” (*Id.* at 4-5.)

The Court has reviewed the Order and Report and Recommendation. Noting that no objections have been filed, that the time for filing objections has expired, and that the Magistrate Judge’s reasoning is correct, the Court **ADOPTS** the Order and Report and Recommendation, and **DIRECTS** the Clerk to file an entry of default for Defendants.

IT IS SO ORDERED.

 /s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE